

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GARY B. CAMPBELL,

Plaintiff,

v.

Case No. 06-C-560

**SHERIFF DAVID A. CLARKE,
RICHARD R. SCHMIDT, and
MILWAUKEE COUNTY JAIL,**

Defendants,

ORDER

Plaintiff requests that the Wisconsin Department of Corrections (DOC) be ordered to pay the remaining balance of filing fees from plaintiff's release account. Although DOC regulations restrict withdrawals from release accounts, I have on occasion ordered that release account funds be made available to pay filing fees "when a prisoner's general fund has insufficient funds to pay filing fees." Doty v. Doyle, 182 F.Supp.2d 750, 751 (E.D. Wis. 2002).

That situation is not presented here, where the docket reflects regular and continuing installment filing fee payments in accordance with 28 U.S.C. § 1915(b)(2). Therefore, I will deny the plaintiff's motion for a court order that he be permitted to pay his remaining balance from his release account. See Carter v. Bennett, 399 F. Supp.2d 936, 937 (W.D. Wis. 2005) ("[N]othing in the fee collection provision of § 1915 can be read as requiring the state to allow a prisoner to pay off the balance of a federal court filing fee from money carried over several months in his release account. . . .").

For the foregoing reasons,

IT IS THEREFORE ORDERED that plaintiff's motion for a court order allowing the use of funds to pay the remaining balance of his filing fees (Doc. # 20) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 22nd day of February, 2011.

/s

LYNN ADELMAN

District Judge